

Hon. Tana Lin

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DENNIS E. DAVIS, individually and on behalf
of all others similarly situated,

Plaintiff,

v.

SYMETRA LIFE INSURANCE COMPANY,

Defendant.

Case No. 2:21-CV-00533-TL

**STIPULATION AND JOINT MOTION
TO MODIFY SCHEDULING ORDER
AND PROPOSED ORDER**

Noted on Motion Calendar: 5/12/2023

Pursuant to Local Civil Rules 16(b)(6) and this Court's Standing Order for All Civil Cases, Section II(G), Plaintiff Dennis Davis and Defendant Symetra Life Insurance Company jointly and respectfully move this Court to modify the current scheduling orders at ECF No. 49.

Good cause exists for the modification and the Parties respectively request the Court consider the following modifications to the case schedule. The Parties are diligently pursuing discovery and completed rounds of written discovery and document production. Symetra has also taken the Plaintiff's deposition and produced requested policy data. The Parties are proceeding with ESI review and production, which, due to the nature of the case, is voluminous. The case seeks information and documents from 1982 to the present. Symetra also encountered unexpected technical difficulties with the ESI that has prolonged its processing. Symetra has kept the Plaintiff informed about its ESI progress, and the Parties have been working cooperatively to push through this phase of this discovery. Symetra is working to complete production of the ESI by July 28, 2023 or as soon as practicable thereafter. Due to the unexpected delay and volume of the ESI, and in anticipation of Symetra's forthcoming ESI productions, the parties have conferred and agreed that an extension of the current case schedule is necessary so that the parties can get through review and production of ESI and further corporate representative depositions.

To accommodate the additional fact and expert discovery, the Parties met and conferred and jointly propose modifying the current case schedule by approximately 90 days as follows:

| Event | Current Deadline (ECF 49) | Proposed Deadline |
|--|---------------------------|-------------------|
| All motions related to class discovery must be filed by the date | 4/17/2023 | 7/28/2023 |

| Event | Current Deadline (ECF 49) | Proposed Deadline |
|---|---------------------------|-------------------|
| All motions related to class discovery must be noted on the motion calendar no later than the Friday before discovery closes pursuant to LCR 7(d) or LCR 37(a)(2) | 5/12/2023 | 8/25/2023 |
| Class Discovery completed by this date | 5/14/2023 | 8/31/2023 |
| Deadline to file Plaintiff's motion for class certifications and class expert disclosure | 6/15/2023 | 10/10/2023 |
| Deadline for amended pleadings | 6/15/2023 | 10/10/2023 |
| Reports from Plaintiff's expert witnesses under FCP 26(a)(2) for use in support of class certification | 6/15/2023 | 10/10/2023 |
| Deadline to file Defendant's opposition to Plaintiff's motion for class certification and any objections to Plaintiff's experts | 8/14/2023 | 12/13/2023 |
| Reports from Defendant's expert witnesses under FRCP 26(a)(2) | 8/14/2023 | 12/13/2023 |
| Deadline to file Plaintiff's Reply brief in support of class certification motion and any objection to Defendant's experts | 9/29/2023 | 1/26/2024 |
| Rebuttal reports from Plaintiff's expert witnesses under FRCP 26(a)(2) for use in support of class certification | 9/29/2023 | 1/26/2024 |
| Settlement Conference, if mediation has been requested by the parties per LCR 39.1, held no later than | 10/31/2023 | 3/15/2024 |
| Mediation per LCR 39.1, if requested by the parties, held no later than | 11/30/2023 | 4/19/2024 |

1 The Parties also agree with this Court’s order vacating all other deadlines, including
2 expert discovery cutoff, last day for dispositive motion, and trial date, until after Court’s issuance
3 of its decision on plaintiff’s motion for class certification. The Parties continue to believe that
4 phasing the litigation as addressed above will allow the Parties to most efficiently present the
5 case to the Court. It is the expectation of the Parties that the proposed schedule will narrow the
6 issues remaining, if any, for trial. Accordingly, the Parties respectfully ask that the Court enter
7 the above stipulated schedule.

Dated this 12th day of May, 2023

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Counsel for Plaintiff Dennis E. Davis

~~PROPOSED~~ ORDER

Pursuant to the parties' joint motion to modify scheduling order, the parties' joint proposed schedule is adopted, as set forth below.

| Event | Deadline |
|---|-----------------|
| All motions related to class discovery must be filed by the date | 7/28/2023 |
| All motions related to class discovery must be noted on the motion calendar no later than the Friday before discovery closes pursuant to LCR 7(d) or LCR 37(a)(2) | 8/25/2023 |
| Class Discovery completed by this date | 8/31/2023 |
| Deadline to file Plaintiff's motion for class certification and class expert disclosure | 10/10/2023 |
| Deadline for amended pleadings | 10/10/2023 |
| Reports from Plaintiff's expert witnesses under FRCP 26(a)(2) for use in support of class certification | 10/10/2023 |
| Deadline to file Defendant's opposition to Plaintiff's motion for class certification and any objection to Plaintiff's experts | 12/13/2023 |
| Reports from Defendant's expert witnesses under FRCP 26(a)(2) | 12/13/2023 |
| Deadline to file Plaintiff's reply brief in support of class certification motion and any objection to Defendant's experts | 1/26/2024 |
| Rebuttal reports from Plaintiff's expert witnesses under FRCP 26(a)(2) for use in support of class certification | 1/26/2024 |
| Settlement Conference, if mediation has been requested by the parties per LCR 39.1, held no later than | 3/15/2024 |
| Mediation per LCR 39.1, if requested by the parties, held no later than | 4/19/2024 |

All other case deadlines, including expert discovery cutoff, last day to file dispositive motion, and trial date are hereby vacated and will be determined after the Court's issuance of its decision on plaintiff's motion for class certification. Notwithstanding the foregoing, parties may file any dispositive motion early. The Parties are ordered to meet and confer within 21 days of

1 the Court's class certification ruling and submit a joint proposed schedule for the Court's
2 consideration.

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4 IT IS SO ORDERED.

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6 Dated this 15th day of May 2023.

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10 Tana Lin
11 United States District Judge
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